

REMARKS

Claims 1-11 are pending in the application.

As stated in claim 1, the claimed dose structure is present **before any compression molding** – which is critical to the claimed invention for the maximization of barrier properties and to ensure that the functional barrier layer is not present on the surface of the resulting object. The claimed dose structure, with all of its features and requirements, is not disclosed or suggested by the prior art.

Claims 1-11 stand rejected as allegedly being obvious over Kawaguchi (USP 5403529) in view of Akiyama. Applicant traverses the rejection for at least the following reasons.

Kawaguchi cannot be combined in any “reasonably apparent” fashion with Akiyama to yield the claimed invention (either the product claims or the process claims).

As discussed in applicant’s prior responses, Akiyama simply discloses parisons, which are NOT doses (contrary to the Examiner’s assumptions). As those of skill in the art know, a “dose” is structurally different than a “parison” and, consequently, no one skilled in the art or unskilled in the art could use a “parison” to form a sufficient multilayer object with excellent barrier properties.

Although Kawaguchi may arguably disclose a dose (and only shows one such figure – Figure 9), one skilled in the art would not be motivated to combine Kawaguchi’s limited teachings with Akiyama’s parison teachings and somehow arrive at the claimed dose invention. In fact, as correctly stated by the Examiner, Kawaguchi is silent with respect to the distance of the shortened inner layer.

Akiyama does not overcome this deficiency or other deficiencies in Kawaguchi. Akiyama exclusively refers to a parison. The rejection states that "Akiyama discloses a multilayer parison which is the claimed 'dose' of the applicant." This is incorrect. A parison is not a dose. It is structurally different than a dose. A parison is an intermediate product between a "dose" step and the "final object" step. For example, if the final object is a bottle, a person would start from a dose of plastic material. The dose would be placed in a mold where it is then compressed/molded and becomes a parison. The parison is then blown to form a bottle. (See, e.g., Akiyama's blow molding of its parisons at [0126].) Accordingly, a dose is not a parison, and a dose is not equivalent to a parison. Thus, the claimed invention is not obvious in view of the cited art that nowhere discloses or suggests the claimed dose invention and methods.

Moreover, the Examiner correctly notes in the third full paragraph on page 5 of the Office Action that "Akiyama is silent with regards to the compression molding, the distance of the functional layers from the surface of the parison, the characteristics of the functional layer, and where the portions are deformed during the method."

Finally, Akiyama teaches away from the claimed invention because it does not teach the unique dose configuration of the applicant's claimed barrier layer before any compression molding.

For at least these reasons, applicant requests the withdrawal of the prior art rejection.

In view of the foregoing amendments and remarks, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Duane M. Byers/

Duane M. Byers
Reg. No. 33,363

DMB:lmo
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100